

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

RECEIVED

JUN 19 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)

Applications of WorldCom, Inc. and)

MCI Communications Corporation for)

Transfer of Control of MCI Communications)

Corporation to WorldCom, Inc.)

CC Docket No. 97-211

To: The Commission

UICKFILE COPY ORIGINAL

**JOINT REPLY
OF WORLDCOM, INC. AND MCI COMMUNICATIONS CORPORATION
TO RENEWED MOTION TO DISMISS**

WorldCom, Inc. ("WorldCom") and MCI Communications Corporation ("MCI") hereby respond to the Renewed Motion to Dismiss filed by GTE Service Corporation ("GTE") June 11, 1998.

The Renewed Motion to Dismiss should be summarily dismissed on the ground that it is an inappropriate and untimely pleading. The Renewed Motion should be seen as nothing more than a surreply, responding to arguments made by WorldCom and MCI in their multiple joint replies to GTE's previous Motion to Dismiss and GTE's Petition to Deny.¹ GTE's pleading, while styled a "Renewed Motion to Dismiss," clearly is not addressed to the sufficiency of the Application, as would be appropriate for a Motion to Dismiss, but instead attempts to respond to the points made

¹ Joint Reply of WorldCom and MCI to Petitions to Deny, filed January 26, 1998; Joint Opposition of WorldCom and MCI to GTE Motion to Dismiss, filed January 27, 1998; and Second Joint Reply of WorldCom and MCI, filed March 20, 1998.

by WorldCom and MCI in their subsequent pleadings on the merits of the case. As such, it is an unauthorized surreply and a transparent attempt to circumvent the Commission's procedures.

The GTE pleading is nothing more than a rehash of arguments already made at length. GTE has had ample opportunity to attempt to make its arguments.² At some point, the motions must stop. As GTE itself observes, "[e]nough is enough." Renewed Motion at 3. It is time for the Commission to decide the case, rather than entertain yet another pleading cycle readdressing the same issues.

GTE's argument, if accepted, would mean that pleading schedules and time limits have absolutely no meaning in an unrestricted proceeding. Under GTE's argument, any party could file at any time an additional pleading styled a "Renewed Motion," alleging that the extra pleading was "appropriate" because it disagrees with the opposing parties' intervening pleadings. Renewed Motion at 1-2 n. 1. This is nothing less than a formula for endless proceedings and administrative chaos. The Commission has discretion to ignore pleadings that do not comply with its pleading schedules. Regulatory agencies are "free to fashion their own rules of procedure. . . . No principle of administrative law is more firmly established than that of agency control of its own calendar." Nader v. F.C.C. 520 F.2d 182, 195-96 (D.C. Cir. 1975), quoting FCC v. Pottsville Broadcasting Co., 309 U.S. 134, 143 (1940), and City of San Antonio v. CAB, 374 F.2d 326, 329 (D.C. Cir. 1967). Unless the Commission intends to authorize massive disregard of its pleading schedules and lose control

² GTE has already filed a Motion to Dismiss (January 5, 1998), a Petition to Deny (January 5, 1998), a Response in Support of Petitions to Deny (January 26, 1998), a Reply to Opposition to Motion to Dismiss (February 5, 1998), Comments on Joint Reply to Petitions to Deny and Comments (March 13, 1998), and Comments on Proposed Divestiture (June 11, 1998). These filings, together with their accompanying affidavits and other attachments, total over 500 pages. In addition, GTE has made at least two *ex parte* presentations (see *ex parte* materials filed March 3, 1998, and letter of March 25, 1998).

of its calendar, it must summarily reject GTE's position and dismiss its Renewed Motion as an inappropriate and untimely pleading.

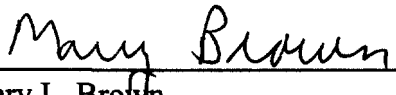
The Commission already has before it the information it needs to consider and approve the merger. If it believes it needs more information, it can specify what it needs and ask the parties to respond to specific requests. But to accept the type of broadscale pleading GTE is attempting to file – which basically seeks to reargue the entire case – would make a mockery of the Commission's rules and seriously delay the proper resolution of this already overly-protracted proceeding.

CONCLUSION

GTE's Renewed Motion to Dismiss should be dismissed as an inappropriate and untimely pleading.

Respectfully submitted,

**MCI COMMUNICATIONS
CORPORATION**

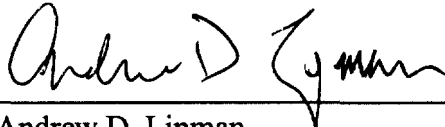

Mary L. Brown
Larry A. Blosser
MCI COMMUNICATIONS CORPORATION
1801 Pennsylvania Avenue, N.W.
Washington, D.C. 20006-3606
(202) 872-1600

Anthony C. Epstein
John B. Morris
Ian H. Gershengorn
JENNER & BLOCK
601 Thirteenth St., N.W.
Washington, D.C. 20005
(202) 639-6000

Dated: June 19, 1998

241526.1

WORLDCOM, INC.


Andrew D. Lipman
Jean L. Kiddoo
Robert V. Zener
SWIDLER & BERLIN, CHTD.
3000 K Street, N.W., Suite 300
Washington, D.C. 20007
(202) 424-7500

Catherine R. Sloan
Robert S. Koppel
WORLDCOM, INC.
1120 Connecticut Avenue, N.W.
Washington, D.C. 20036
(202) 424-1550

CERTIFICATE OF SERVICE

I, Robert V. Zener, hereby certify that on the 19th day of June, 1998 a copy of the foregoing "Joint Reply Of WorldCom, Inc. And MCI Communications Corporation To Renewed Motion To Dismiss" was sent by First Class U.S. Mail, postage prepaid, to the following:

Chairman William E. Kennard*
Federal Communications Commission
1919 M Street, N.W.
Room 814
Washington, D.C. 20554

Office of the Chairman
Federal Communications Commission
1919 M Street, N.W.
Room 814
Washington, D.C. 20554

Commissioner Susan Ness*
Federal Communications Commission
1919 M Street, N.W.
Room 832
Washington, D.C. 20554

A. Richard Metzger, Chief*
Common Carrier Bureau
Federal Communications Commission
1919 M Street, N.W.
Room 500
Washington, D.C. 20554

Commissioner Harold Furchtgott-Roth*
Federal Communications Commission
1919 M Street, N.W.
Room 802
Washington, D.C. 20554

Regina M. Keeney, Chief*
International Bureau
Federal Communications Commission
2000 M Street, N.W.
Room 800
Washington, D.C. 20054

Commissioner Michael Powell*
Federal Communications Commission
1919 M Street, N.W.
Room 844
Washington, D.C. 20554

Daniel B. Phythyon, Chief*
Wireless Telecommunications Bureau
Federal Communications Commission
2025 M Street, N.W.
Room 5002
Washington, D.C. 20554

Commissioner Gloria Tristani*
Federal Communications Commission
1919 M Street, N.W.
Room 826
Washington, D.C. 20554

Thomas C. Power*
Office of the Chairman
Federal Communications Commission
1919 M Street, N.W.
Room 814
Washington, D.C. 20554

Magalie Roman Salas* (Orig.+12+diskette)
Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

John T. Nakahata, Chief of Staff*

James Casserly*
Office of Commissioner Ness
Federal Communications Commission
1919 M Street, N.W.
Room 832
Washington, D.C. 20554

Kyle Dixon*
Office of Commissioner Powell
Federal Communications Commission
1919 M Street, N.W.
Room 844
Washington, D.C. 20554

Paul Gallant*
Office of Commissioner Tristani
Federal Communications Commission
1919 M Street, N.W.
Room 826
Washington, D.C. 20554

Kevin Martin*
Office of Commissioner Furchtgott-Roth
Federal Communications Commission
1919 M Street, N.W.
Room 802
Washington, D.C. 20554

Lawrence Strickling, Chief*
Competition Division
Office of the General Counsel
Federal Communications Commission
1919 M Street, N.W.
Room 658
Washington, D.C. 20554

Rebecca L. Dorch*
Competition Division
Office of General Counsel
Federal Communications Commission
1919 M Street, N.W.
Room 650-F
Washington, D.C. 20554

Janice Myles*
Common Carrier Bureau
Federal Communications Commission
1919 M Street, N.W.
Room 544
Washington, D.C. 20554

International Reference Room (2 Copies)*
International Bureau
Federal Communications Commission
2000 M Street, N.W.
Room 102
Washington, D.C. 20554

Wireless Reference Room (2 Copies)*
Wireless Telecommunications Bureau
Federal Communications Commission
2025 M Street, N.W.
Room 5608
Washington, D.C. 20554

International Transcription Services, Inc.*
2100 M Street, N.W.
Suite 140
Washington, D.C. 20037

Richard E. Wiley
R. Michael Senkowski
Jeffrey S. Linder
Robert J. Butler
WILEY, REIN & FIELDING
1776 K Street, N.W.
Washington, D.C. 20006

Michelle Carey (2 copies+diskette)
Common Carrier Bureau
Federal Communications Commission
1919 M Street, N.W.
Room 544
Washington, D.C. 20554

Ramsey L. Woodworth
Robert M. Gurss
Rudolph J. Geist
WILKES, ARTIS, HEDRICK & LANE,
Chartered
1666 K Street, N.W., Suite 1100
Washington, D.C. 20006

John Thorne
Sarah Deutsch
Robert H. Griffen
Attorneys for Bell Atlantic
1320 North Court House Road
8th Floor
Arlington, VA 22201

William B. Barfield
Jonathan Banks
BELLSOUTH CORPORATION
Suite 1800
1155 Peachtree Street, N.E.
Atlanta, GA 30309-3610

George Kohl
Senior Executive Director, Research and
Development
Communications Workers of America
501 Third Street, N.W.
Washington, D.C. 20001-2797

John J. Sweeney
President
American Federation of Labor and Congress
of Industrial Organizations
815 16th Street, N.W.
Washington, D.C. 20006

Janice Mathis
General Counsel
Rainbow/PUSH Coalition
Thurmond, Mathis & Patrick
1127 W. Hancock Avenue
Athens, GA 30603

David Honig
Special Counsel
Rainbow/PUSH Coalition
3636 16th Street, N.W., #B-366
Washington, D.C. 20010

Matthew R. Lee, Esq.
Executive Director
Inner City Press/Community on the Move &
Inner City Public Interest Law Project
1919 Washington Avenue
Bronx, NY 10457

Andrew Jay Schwartzman
Gigi B. Sohn
Joseph S. Paykel
Media Access Project
Suite 400
1707 L Street, N.W.
Washington, D.C. 20036

Thomas A. Hart, Jr.
M. Tamber Christian
Amy E. Weissman
GINSBERG, FELDMAN AND BRESS
Chartered
1250 Connecticut Avenue, N.W.
Washington, D.C. 20036

Leon M. Kestenbaum
Jay C. Keithley
Michael B. Fingerhut
Sprint Corporation
1850 M Street, N.W., 11th Floor
Washington, D.C. 20036

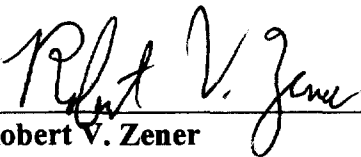
Alan Y. Naftalin
Gregory C. Staple
R. Edward Price
KOTEEN & NAFTALIN, L.L.P.
1150 Connecticut Avenue, N.W.
Washington, D.C. 20036

Robert Gnaizda
Itzel D. Berrio
The Greenlining Institute
785 Market Street, 3rd Floor
San Francisco, CA 94103

Susan E. Brown
Latino Issues Forum
785 Market Street, 3rd Floor
San Francisco, CA 94103

* VIA HAND DELIVERY

Charles Helein
Helein & Associates
8180 Greensboro Drive
Suite 700
McLean, VA 22102


Robert V. Zener